

Appl. No. 10/665,949
Atty. Docket No. 9365Q
Response dated June 22, 2007
In response to Office Action of March 22, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1, 2, 4, 5, and 8-14 are pending. Claims 1, 2, 4, 5, and 8-14 stand rejected under 35 USC § 103. With this response, claim 1 is amended, and no claims are withdrawn, canceled, or added.

Rejections Under 35 USC § 103 Over Roe in view of Sabee

Claims 1, 2 and 8-14 stand rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 5,776,121) in view of Sabee (US 4,968,313). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Roe and Sabee references for the reasons discussed below.

Independent claim 1, as currently amended, recites in part a "method for making an edge fold on an absorbent article," including bonding "to form an edge fold with substantially uniform gathers." From the Applicant's review, the Roe reference appears to disclose a "spacing means 76...which gathers, contracts, stiffens, shortens or otherwise acts on the barrier cuff 62 so as to cause the barrier cuffs 62 to stand up." (Col. 10, lines 6-9.) The Sabee reference appears to disclose "a method of applying relaxed elastic elements to an uncorrugated moving web and subsequently enlarging or increasing the area of elasticization by stretching the elastic element, which upon relaxing forms shirrs, gathers, or puckers in the web." (Col. 2, lines 42-28.)

However, neither the Roe reference nor the Sabee reference appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1. Accordingly, this element of the Applicant's independent claim 1 is outside of the scope and content of the cited prior art. Therefore, a method of making "an edge fold with substantially uniform gathers," as recited in part in the Applicant's independent claim 1, differs from the cited prior art and would not have been obvious to one of ordinary skill in the art, at the time of the Applicant's invention. For this reason, the Applicant respectfully requests reconsideration and withdrawal of this 103(a) rejection for independent claim 1 and for claims 2 and 8-14, which depend therefrom.

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Rejection Under 35 USC § 103 Over Roe and Sabee in view of Anderson

Claim 4 stands rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 5,776,121) and Sabee (US 4,968,313) and in further view of Anderson, et al. (US 6,605,172). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Roe, Sabee, and Anderson references for the reasons discussed below.

Claim 4 depends from independent claim 1. Claim 1, as currently amended, recites in part a "method for making an edge fold on an absorbent article," including bonding "to form an edge fold with substantially uniform gathers." As described above, neither the Roe reference nor the Sabee reference appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1. The Anderson reference does not appear to cure this deficiency.

From the Applicant's review, the Anderson reference appears to disclose a method of "passing the web between at least one pair of interengaged rolls to incrementally stretch the web, and then withdrawing the incrementally stretched web from between the rolls under tension." (Abstract.) However, the Anderson reference does not appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1.

Accordingly, this element of the Applicant's independent claim 1 is outside of the scope and content of the cited prior art. Therefore, a method of making "an edge fold with substantially uniform gathers," as recited in part in the Applicant's independent claim 1, differs from the cited prior art and would not have been obvious to one of ordinary skill in the art, at the time of the Applicant's invention. For this reason, the Applicant respectfully requests reconsideration and withdrawal of this 103(a) rejection for claim 4, which depends from claim 1.

Rejection Under 35 USC § 103 Over Roe, Sabee, Anderson, Joest, and Melius

Claim 5 stands rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 5,776,121), Sabee, et al. (US 4,968,313), and Anderson, et al. (US 6,605,172) and in further view of Joest, et al. (US 5,830,821) and Melius (US 2004/044322A1). The Applicant does not admit that any characterization by the Office Action regarding these

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rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Roe, Sabee, Anderson, Joest, and Melius references for the reasons discussed below.

Claim 5 depends from independent claim 1. Claim 1, as currently amended, recites in part a "method for making an edge fold on an absorbent article," including bonding "to form an edge fold with substantially uniform gathers." As described above, neither the Roe reference, nor the Sabee reference, nor the Anderson reference appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1. The Joest reference and the Melius reference do not appear to cure this deficiency.

From the Applicant's review, the Joest reference appears to disclose a "process for producing a web fleece of thermoplastic polymer filaments." (Abstract.) However, the Joest reference does not appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1.

The Melius reference appears to disclose generating "a uniform series of stretched portions 38 as the web material is conveyed through the rollers." (Par. 49, referring to Figure 1.) However, this is "a cross-directional stretching action," which "produces a repeating pattern of longitudinal portions or sections 38 of the web material having a wider cross-directional width 28 and a decreased basis weight" (par. 44), not a process which forms gathers. Thus, the Melius reference does not appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1.

Accordingly, this element of the Applicant's independent claim 1 is outside of the scope and content of the cited prior art. Therefore, a method of making "an edge fold with substantially uniform gathers," as recited in part in the Applicant's independent claim 1, differs from the cited prior art and would not have been obvious to one of ordinary skill in the art, at the time of the Applicant's invention. For this reason, the Applicant respectfully requests reconsideration and withdrawal of this 103(a) rejection for claim 5, which depends from claim 1.

Rejections Under 35 USC § 103 Over Klemp in view of Sabee

Claims 1- 2, and 9-13 stand rejected under 35 USC § 103(a) as being unpatentable over Klemp (US 5,536,350) in view of Sabee (US 4,968,313). The Applicant does not

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admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Klemp and Sabee references for the reasons discussed below.

Independent claim 1, as currently amended, recites in part a “method for making an edge fold on an absorbent article,” including bonding “to form an edge fold with substantially uniform gathers.” From the Applicant’s review, the Klemp reference appears to disclose a “disposable garment having...an absorbent pad assembly having longitudinal edges and a noodle formed in each longitudinal edge of the absorbent pad assembly.” (Col. 1, lines 47-51.) The Sabee reference appears to disclose “a method of applying relaxed elastic elements to an uncorrugated moving web and subsequently enlarging or increasing the area of elasticization by stretching the elastic element, which upon relaxing forms shirrs, gathers, or puckers in the web.” (Col. 2, lines 42-28.)

However, neither the Klemp reference nor the Sabee reference appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant’s independent claim 1. Accordingly, this element of the Applicant’s independent claim 1 is outside of the scope and content of the cited prior art. Therefore, a method of making “an edge fold with substantially uniform gathers,” as recited in part in the Applicant’s independent claim 1, differs from the cited prior art and would not have been obvious to one of ordinary skill in the art, at the time of the Applicant’s invention. For this reason, the Applicant respectfully requests reconsideration and withdrawal of this 103(a) rejection for independent claim 1 and for claims 2 and 9-13, which depend therefrom.

Rejections Under 35 USC § 103 Over Klemp and Sabee in view of Anderson

Claim 4 stands rejected under 35 USC § 103(a) as being unpatentable over Klemp (US 5,536,350) and Sabee (US 4,968,313) in view of Anderson, et al. (US 6,605,172). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Klemp, Sabee, and Anderson references for the reasons discussed below.

Claim 4 depends from independent claim 1. Claim 1, as currently amended, recites in part a “method for making an edge fold on an absorbent article,” including

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bonding "to form an edge fold with substantially uniform gathers." As described above, neither the Klemp reference, nor the Sabee reference, nor the Anderson reference appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1. Accordingly, this element of the Applicant's independent claim 1 is outside of the scope and content of the cited prior art. Therefore, a method of making "an edge fold with substantially uniform gathers," as recited in part in the Applicant's independent claim 1, differs from the cited prior art and would not have been obvious to one of ordinary skill in the art, at the time of the Applicant's invention. For this reason, the Applicant respectfully requests reconsideration and withdrawal of this 103(a) rejection for claim 4, which depends from claim 1.

Rejections Under 35 USC § 103 Over Klemp, Sabee, Anderson, Joest, and Melius

Claim 5 stands rejected under 35 USC § 103(a) as being unpatentable over Klemp (US 5,536, 350), Sabee (US 4,968,313), and Anderson, et al. (US 6,605,172) and in further view of Joest, et al. (US 5,7830,821) and Melius (US 2004/044322A1). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Klemp, Sabee, Anderson, Joest, and Melius references for the reasons discussed below.

Claim 5 depends from independent claim 1. Claim 1, as currently amended, recites in part a "method for making an edge fold on an absorbent article," including bonding "to form an edge fold with substantially uniform gathers." As described above, neither the Klemp reference, nor the Sabee reference, nor the Anderson reference, nor the Joest reference, nor the Melius reference appear to disclose a method of making an edge fold with substantially uniform gathers, as recited in part in the Applicant's independent claim 1. Accordingly, this element of the Applicant's independent claim 1 is outside of the scope and content of the cited prior art. Therefore, a method of making "an edge fold with substantially uniform gathers," as recited in part in the Applicant's independent claim 1, differs from the cited prior art and would not have been obvious to one of ordinary skill in the art, at the time of the Applicant's invention. For this reason, the Applicant respectfully requests reconsideration and withdrawal of this 103(a) rejection for claim 5, which depends from claim 1.

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Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the cited references. Accordingly, the Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By Charles R. Ware

Signature

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